

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MOTORCARS LEASING, LLC,	:	
	:	
Plaintiff,	:	
	:	24 Civ. 4313 (LGS)
-against-	:	
	:	PRELIMINARY
M&M AUTO AND TOWING, INC. and	:	INJUNCTION ORDER
HUGO J. HERNANDEZ LOPEZ,	:	
	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on June 6, 2024, Plaintiff Motorcars Leasing, LLC (“Motorcars”) filed an application by order to show cause for, among other injunctive relief, a preliminary injunction, pursuant to Fed. R. Civ. P. 65 and N.Y. CPLR §§ 6301 and 6311, enjoining Defendants from taking any action in connection with that certain 2020 Lamborghini Urus, VIN: ZPBUA1ZL9LLA10233 (the “Vehicle”);

WHEREAS, Plaintiff’s application was supported by the Affidavit of Andrew Kipnis, General Manager for Motorcars, the Affidavit of Jeffrey A. Sudduth, counsel for Motorcars, the Declaration of Joseph A. Patella, counsel for Motorcars, and Memorandum of Law in Support;

WHEREAS, after Plaintiff properly notified and served Defendants, a show cause hearing was held on June 12, 2024;

WHEREAS, Defendants have not appeared in this action and failed to appear at the show cause hearing;

WHEREAS, as a result of the show cause hearing, the Court entered an Order on June 13, 2024, directing Plaintiff to file a proposed preliminary injunction order;

WHEREAS, Plaintiff filed a proposed order and a supplemental affidavit from Andrew Kipnis describing the unique nature of the car and the harm to Plaintiff that will occur absent an injunction.

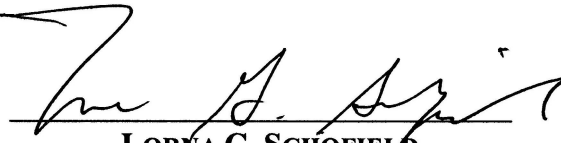
WHEREAS, the Court has determined that the evidence submitted in support of the preliminary injunction application establishes that Plaintiff has a likelihood of success on the merits, that no remedy at law exists and that Plaintiff will suffer irreparable harm if a preliminary injunction is not granted. Defendants' continued possession of the car at issue irreparably harms Plaintiff through the diminution of the car's value and Plaintiff's deprivation of its use. Money damages fail to address such damage due to the rarity and unique features of the car, as described in Mr. Kipnis's supplemental affidavit. Further, the public interest is served by entry of this preliminary injunction to protect Plaintiff's interest its car and to protect the public interest in enforcement of contract and property rights. For these reasons, the issuance of a preliminary injunction is warranted and that such injunction is warranted under Federal Rule of Civil Procedure 65. It is hereby

ORDERED that Defendants M&M Auto and Towing, Inc. and Hugo J. Hernandez Lopez and each of their respective officers, agents, servants, employees and any other persons acting in concert with or in participation with any of them, are enjoined from transporting, transferring, selling, concealing, pledging, assigning, encumbering or otherwise disposing of, or substantially impairing the value of, the Vehicle and any and all of its parts and components. It is further

ORDERED that a copy of this Order shall be served by overnight delivery on or before June 21, 2024 as follows: (i) M&M Auto and Towing, Inc. at 24-16 45th Street, Astoria, NY

11103; (ii) Hugo J. Hernandez Lopez at 9 Cabrini Blvd., Unit 5B, New York, NY 10033; such service shall be deemed good and sufficient notice of this Order upon each of the Defendants.

Dated: June 20, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE